

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 1-15 are pending in the application. Claims 1-6 have been amended to address the formal matters raised in the outstanding Official Action. Claims 7-15 have been added. Support for claims 7-15 may be found generally throughout the specification and in the original claims.

In the outstanding Official Action, the abstract was objected to for allegedly being too short and for not reflecting the preferred format for an abstract under United States patent law. Accordingly, applicant submits herewith a new abstract. Applicants would like to thank the Examiner for the suggestions as how to overcome this objection.

As requested by the Examiner, the specification has been amended to provide a cross-reference to related applications.

Claims 5 and 6 were rejected under 35 USC §101 for allegedly reciting a "use" without reciting an active process step.

However, claims 5 and 6 have been amended to recite a preparation. The claims no longer refer to a "use". Thus, applicant respectfully requests that the rejection be withdrawn.

Claims 1-6 were rejected under 35 USC §112, first paragraph, for allegedly not satisfying the enablement requirement. Applicant believes that the present amendment obviates this rejection.

The method claims have been amended to recite a method for inhibiting VEGF-induced cell proliferation.

Additionally, the "preparation" claims have been amended to delete references to its therapeutic use. As the Examiner is aware, when a compound and composition claim is not limited by a recited use, any enabled use that would reasonably correlate with the scope of the claims sufficient to preclude a rejection for non-enablement based on how to use. (See MPEP §2164.01(c)).

In view of the above, applicant respectfully requests that the enablement rejection be withdrawn.

Claims 1, 2 and 4-6 were rejected under 35 USC §112, second paragraph, for allegedly being indefinite. Applicant believes that the present amendment overcomes this rejection.

As noted above, the claims have been amended to recite a method for inhibiting VEGF-induced cell proliferation. Thus, while a particular disease state is not recited, the inhibition of a particular phenomenon is recited in the method claims.

As to the term "o-ATP", applicants have amended the claims so that they recite --adenosine triphosphate--. However, in view of the disclosure at page 1, lines 20-26, applicant

believes that the nature of the o-ATP is clear to one skilled in the art.

Claim 4 has been amended to recite particular types of cancer. In view of the Markush language set forth in claim 4, applicant believes that the claim is definite to one skilled in the art.

Claims 5 and 6 have been amended to recite a preparation "comprising" several components. Accordingly, applicant believes that claims 5 and 6 are definite to one skilled in the art.

In view of the present amendment and foregoing remarks, therefore, applicant believes that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Philip Dubois, Reg. No. 50,696
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573

PD/lk

Appendix:

The Appendix includes the following item:

- new abstract